

JUDGE SWAIN

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

v. :

JIAN LING LIAN, :

Defendant. :

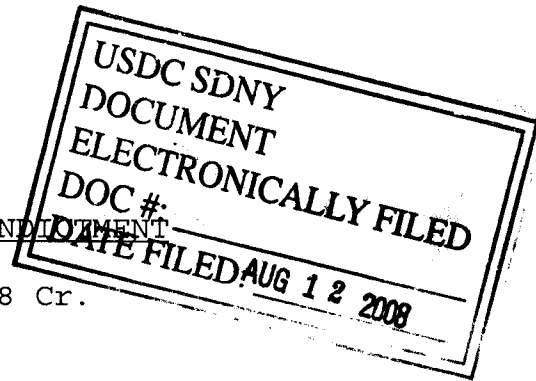
----- **08 CRIM 745**

COUNT ONE

The Grand Jury charges:

1. From at least in or about October 2007, through and including in or about July 2008, in the Southern District of New York and elsewhere, JIAN LING LIAN, the defendant, and others, known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Title 18, United States Code, Sections 2342(a) and 2315.

2. It was a part and an object of the conspiracy that JIAN LING LIAN, the defendant, and others known and unknown, unlawfully, willfully, and knowingly would and did ship, transport, receive, possess, sell, distribute, and purchase contraband cigarettes, as that term is defined in Title 18, United States Code, Section 2341(2), in violation of Title 18, United States Code, Section 2342(a).



3. It was further a part and an object of the conspiracy that JIAN LING LIAN, the defendant, and others known and unknown, unlawfully, willfully, and knowingly would and did receive, possess, conceal, store, barter, sell, and dispose of falsely made, forged, altered, and counterfeited tax stamps, moving as, and which were a part of, and which constituted interstate and foreign commerce, knowing that such tax stamps had been falsely made, forged, altered, and counterfeited, in violation of Title 18, United States Code, Section 2315.

OVERT ACTS

4. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts were committed in the Southern District of New York and elsewhere:

a. On or about November 16, 2007, in Queens, New York, JIAN LING LIAN, the defendant, purchased from an undercover agent (the "UC") approximately 600 cartons of contraband cigarettes, in exchange for approximately \$14,200.

b. On or about November 29, 2007, in Queens, New York, JIAN LING LIAN, the defendant, purchased from the UC approximately 1500 cartons of contraband cigarettes, in exchange for approximately \$36,000.

c. On or about December 7, 2007, in Queens, New York, JIAN LING LIAN, the defendant, sold to the UC approximately

1000 cartons of counterfeit cigarettes in exchange for approximately \$14,000.

d. On or about December 13, 2007, in the Bronx, New York, JIAN LING LIAN, the defendant, purchased from the UC approximately 1800 cartons of contraband cigarettes, in exchange for approximately \$41,850.

e. On or about December 20, 2007, in the Bronx, New York, JIAN LING LIAN, the defendant, purchased from the UC approximately 1800 cartons of contraband cigarettes, in exchange for approximately \$41,850.

f. On or about January 18, 2008, in the Bronx, New York, JIAN LING LIAN, the defendant, purchased from the UC approximately 3180 cartons of contraband cigarettes, in exchange for approximately \$73,140.

g. On or about February 1, 2008, in Brooklyn, New York, JIAN LING LIAN, the defendant, purchased from the UC approximately 3300 cartons of contraband cigarettes, in exchange for approximately \$75,881.

h. On or about February 15, 2008, in Queens, New York, JIAN LING LIAN, the defendant, sold to the UC approximately 48,000 counterfeit Virginia cigarette tax stamps and approximately 8576 counterfeit New York State and New York City cigarette tax stamps, in exchange for approximately \$1,500.

i. On or about February 15, 2008, in Queens, New York, JIAN LING LIAN, the defendant, unloaded counterfeit cigarettes from a van into a garage.

j. On or about March 14, 2008, in Brooklyn, New York, JIAN LING LIAN, the defendant, purchased from the UC approximately 1800 cartons of contraband cigarettes, in exchange for approximately \$41,850.

k. On or about March 21, 2008, in Brooklyn, New York, JIAN LING LIAN, the defendant, purchased from the UC approximately 3300 cartons of contraband cigarettes, in exchange for approximately \$75,900.

l. On or about April 23, 2008, in Brooklyn, New York, JIAN LING LIAN, the defendant, purchased from undercover agents approximately 1800 cartons of contraband cigarettes, in exchange for approximately \$41,850.

(Title 18, United States Code, Section 371.)

COUNT TWO

The Grand Jury further charges:

5. On or about December 13, 2007, in the Southern District of New York and elsewhere, JIAN LING LIAN, the defendant, unlawfully, knowingly, and willfully did ship, transport, receive, possess, sell, distribute, and purchase contraband cigarettes, to wit, while in the Bronx, New York, JIAN LING LIAN purchased approximately 1,800 cartons of contraband

cigarettes bearing no evidence of the payment of applicable New York State cigarette taxes in New York State.

(Title 18, United States Code, Sections 2342(a) and 2.)

COUNT THREE

The Grand Jury further charges:

6. On or about December 20, 2007, in the Southern District of New York and elsewhere, JIAN LING LIAN, the defendant, unlawfully, knowingly, and willfully did ship, transport, receive, possess, sell, distribute, and purchase contraband cigarettes, to wit, while in the Bronx, New York, JIAN LING LIAN purchased approximately 1,800 cartons of contraband cigarettes bearing no evidence of the payment of applicable New York State cigarette taxes in New York State.

(Title 18, United States Code, Sections 2342(a) and 2.)

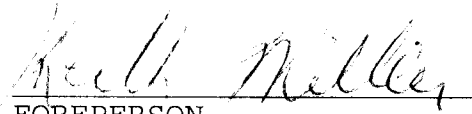
COUNT FOUR

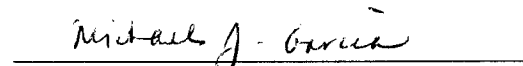
The Grand Jury further charges:

7. On or about January 18, 2008, in the Southern District of New York and elsewhere, JIAN LING LIAN, the defendant, unlawfully, knowingly, and willfully did ship, transport, receive, possess, sell, distribute, and purchase contraband cigarettes, to wit, while in the Bronx, New York, JIAN LING LIAN purchased approximately 3,180 cartons of contraband

cigarettes bearing no evidence of the payment of applicable New York State cigarette taxes in New York State.

(Title 18, United States Code, Sections 2342(a) and 2.)

  
FOREPERSON

  
MICHAEL J. GARCIA  
United States Attorney

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

JIAN LING LIAN,

Defendant.

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INDICTMENT

08 Cr.

(18 U.S.C. §§ 371, 2342(a), and 2.)

MICHAEL J. GARCIA

United States Attorney.

*Keith Miller*

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*Pickman*

*I did not find  
to Judge Sullivan  
4/10/08*

*8/12/08  
JH*